

**PUBLIC HEARING of the Burrillville Town Council held Tuesday, January 13, 2009 at 7:08 P.M. in the Burrillville High School Auditorium, 425 East Avenue, Harrisville, for and within the Town of Burrillville.**

**PRESENT: Council President Nancy F. Binns, Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, Kevin D. Heitke, and Norman C. Mainville.**

**ABSENT: Councilor John M. Karmozyn, Jr. was absent. Councilor Norman C. Mainville left at the beginning of the hearing due to a sudden emergency and returned at 8:00 P.M.**

**The Town of Burrillville hereby ordains as follows:**

**Relative to considering and acting on the following proposed changes to the Revised General Ordinances, Town of Burrillville, RI, 2004, by adding a section establishing the Pascoag Reservoir/Echo Lake Dam Management District.**

**Note: The notice of hearing was advertised in the legal section of the Woonsocket Call on Friday, January 9, 2009.**

**It was noted that there were no members of the Glocester Town Council present.**

**Councilor Kevin M. Blais put the Council on notice that due to the (assistive listening) equipment not functioning, he would abstain from participation in the hearing. Councilor Blais thanked the administration for their efforts in setting up the equipment. Councilor Blais indicated that the assistive listening device had background noise.**

**Council President Nancy F. Binns called a 10 minute recess.**

**Upon return from the recess, Council President Nancy F. Binns announced that the public hearing would continue but, since Councilor Blais was unable to actively participate, the hearing would not be concluded but continued at a future date. Council President Binns said that the Council would accept comments from the public and that a transcript would be provided to Councilor Blais.**

**Council President Binns directed that those people making comments should approach the lectern, use the microphone, and identify themselves by providing their names and addresses.**

## **1. Comments/Input/Recommendation from the Ordinance Subcommittee**

**Councilor Margaret L. Dudley, Chair, Ordinance Subcommittee, said that the proposed ordinance had come to the Ordinance Subcommittee more than two years earlier. Councilor Dudley said**

that ordinance had undergone many additions, deletions, and changes during that time. Councilor Dudley said that the subcommittee had worked closely with the Upper Dam Association, that enabling legislation had been requested and adopted relative to the proposal, and that the Ordinance Subcommittee heartily endorses the ordinance and recommends adoption.

## **2. Presentation of proposed ordinance**

Kevin P. Menard, President of the Upper Dam Association, addressed those present, using a PowerPoint presentation. An outline of the presentation is on file with the record of the hearing.

At the end of the presentation, there was a question and answer discussion. Participating in the discussion were:

- Kathy Seward of Pine Island, Pascoag
- Roger Duquette of 555 Reservoir Road, Pascoag
- Kevin Menard, Camp Dixie Road, Pascoag
- Timothy F. Kane, Town Solicitor
- Michelle Deschamps of 115 Reservoir Road, Pascoag
- Philip Sabella of Camp Dixie Road, Pascoag
- Michael C. Wood, Town Manager
- Charles Walach of 34 James Street, Pascoag
- Leo Plouffe of Rock Avenue, Pascoag
- Jerry Lagesse of 605 Camp Dixie, Pascoag
- David Carroll of 41 Point Lane, Pascoag

- **Council President Nancy F. Binns**
- **John Gucfa of 62 Shore Road, Pascoag**
- **Raymond Cloutier of 484 Courthouse Lane, Pascoag**
- **Edouard Decelles of 235 Rock Avenue, Pascoag**
- **Raymond Jobin of 315 Reservoir Road, Pascoag**
- **Jennifer Fullam of 116 Lake Shore Drive, Pascoag**

**Topics of the discussion were:**

**1) Implications of establishing a DMD**

- i) Liability and insurance**
- ii) Concerns with possible ownership**
- iii) Greater participation**

**2) Benefits of establishing a DMD**

- i) Equity**
- ii) Adequate maintenance and repair**
- iii) Long-range planning**
- iv) Financial planning**
- v) Protect the property value**
- vi) Protect quality of life**
- vii) Control**
- viii) Self determination**

**3) Fees**

- i) Possible extent of fees**
- ii) Burden of paying more (fees)**
- iii) Concerns with DMD as taxing authority**
- iv) Comparisons to fire districts**

#### **4) Authority of membership**

- i) Established by ordinance and by-laws**
- ii) Voting on fees**
- iii) To choose whether or not to acquire property**
- iv) Possible donation of property to DMD**
- v) Whether or not to maintain and/or repair dam**
- vi) Collection of fees**

#### **5) Current condition of the dam**

- i) Need for routine maintenance**

#### **6) Membership**

- i) Who would pay fees**
- ii) How/why proposed membership was determined**

#### **7) Town's involvement**

- i) Potential for ownership/maintenance/repair**
- ii) Policy decision**
- iii) Decisions based on interests of all residents**
- iv) During catastrophe**
- v) Structuring ordinance for maximum flexibility**

#### **8) Current ownership of dam and lakebed**

- i) Owner's role in maintaining dam**

#### **9) Authority to maintain and repair dam**

- i) Current (court decision/owner permission)**
- ii) Under dam management district (DMD)**

#### **10) Status of current taxes at dam/lakebed**

#### **11) Property valuations of lake residences**

#### **12) Lake as an asset**

- i) To the residents**
- ii) To the entire community**
- 13) Impact of possibly lowering the water level**
- 14) Study performed on site**
- i) Results indicate necessity for on-going maintenance**
- 15) Inability to restrict public use**
- 16) Possible tax exemption on property owned by DMD**
- 17) Need for the DMD**
- 18) DEM regulations related to dam safety**
- 19) DMD establishment**
- i) In Burrillville, Glocester or both**
- 20) Limited Liability Corporation rather than DMD**
- i) Apply for funding from towns**
- ii) No taxing authority**
- iii) Possibility of ownership**
- 21) Other dam management districts**
- i) Boone Lake**
- ii) Similarities/differences**
- 22) Repairs/maintenance by volunteers**
- i) Benefits**
- ii) Liability/no individual liability**
- iii) Lack of volunteers**
- 23) Long term repairs/maintenance**
- i) Dam/gate house/spillway/vegetative growth**
- ii) Grants**
- iii) Army Corps of Engineers**

### **3. Comments/Input/Recommendations by the Administration (Town Solicitor, Town manager, Administrative Staff)**

**Council President Nancy F. Binns asked for input by Michael C. Wood, Town Manager.**

**Michael C. Wood, Town Manager, invited people to contact his office if they had further questions. Mr. Wood said that the administration had tried to draft the ordinance to be flexible, to allow the membership to do what they wanted with the least amount of intrusion and the most control and self determination. Technically, he said, the administration believed they had achieved those goals. He said that the administration was open to discussion.**

**Timothy F. Kane, Town Solicitor, addressed those present. Mr. Kane said that, in his opinion, if the ordinance is passed, it will become a model ordinance for any community in the State that wishes to establish a dam management district ordinance. Mr. Kane said that, if the Town Council sees fit to adopt, the DMD would serve as a democratic mechanism for the membership to control their own destiny, rather than hope and rely on the State, Town or a private owner to come and repair and maintain the dam. Mr. Kane pointed out that it is not a legal requirement for the Town of Gloucester to pass the ordinance for the Town of Burrillville to adopt it.**

**Proponents: Speaking in support of adoption of the ordinance were:**

- **Mark Farrar, 50 Shore Road, Pascoag**
- **John Prew, 535 Camp Dixie Road, Pascoag**
- **Scott George, 54 Whispering Pine Drive, Pascoag**
- **Joe Houle, 321 Reservoir Road, Pascoag**
- **James Martin, 408 Camp Dixie Road, Pascoag**
- **Brian Bicki, 207 Lake Drive, Glocester**
- **Jacqueline Nys, 390 Camp Dixie Road, Pascoag**
- **John Sliney, 500 Court House Lane, Pascoag**
- **Robert Tetrealt, 525 Reservoir Road, Pascoag**
- **Robert Alves, 330 Court House Lane, Pascoag**
- **Gary Briggs, 625 Camp Dixie Road, Pascoag**
- **Jerry Lagesse, 605 Camp Dixie Road, Pascoag**
- **Kathy Seward, Pine Island, Pascoag**
- **Charles Walach, 34 James Street, Pascoag**
- **Ernie Montagano, 210 Lake Shore Drive, Pascoag**

**Council President Nancy F. Binns read into the record email correspondence from the following residents in support of the ordinance:**

- **Dawn Cassidy, 420 East Avenue, Harrisville**
- **Victor and Cheryl Flores, 305 Reservoir Road, Pascoag**
- **John W. Child, 0 and 24 Point Lane, Pascoag**
- **Stephen Kopeski, 345 Reservoir Road, Pascoag**



- **John Edmund Naylor Jr. 41 Lake Drive, Pascoag**

**Opponents: Speaking in opposition to adoption of the ordinance was:**

- **Roger Duquette, 555 Reservoir Road, Pascoag, opposed the ordinance.**

**VOTED to recess the public hearing.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Norman C. Mainville.**

**Council President Nancy F. Binns announced that the public hearing would be recessed to Wednesday, January 28, 2009 at 7:00 P.M. in the Council Chambers, 105 Harrisville Main St., at which point the hearing would be concluded.**

**Note: Councilor Wallace F. Lees recused himself.**

**The motion carried, four in favor, one recusal, one abstention, and one absent. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Margaret L. Dudley, Kevin D. Heitke and Norman C. Mainville. Councilor Wallace F. Lees recused himself. Councilor Kevin M. Blais abstained. Councilor John M. Karmozyn, Jr. was absent.**

**Council President Nancy F. Binns said that Mr. Blais would receive a**

**transcript of the hearing.**

**Council President Nancy F. Binns thanked all those who attended, noting the importance of the Town Council hearing the opinions and concerns of all.**